

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: 317-232-1979 FAX: (317)233-3790



certified mail #91 7190 0005 2720 0050 5047 10-20-15 jfo

Safety Order and Notification of Penalty

To:

J M Masonry Restoration Inc
840 N. UNION ST.
GARY, IN 46403

Inspection Number: 317870129

CSHO ID: F2131

Optional Report No.: 00916

Inspection Date(s): 8/26/2015 - 9/23/2015

Issuance Date: 10/20/2015

Inspection Site:

8701 Broadway
Merrillville, IN 46410

The violation(s) described in this Safety Order and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

An inspection of your place of employment has revealed conditions which we believe do not comply with the provisions of the Indiana Occupational Safety and Health Act (Indiana Code Chapter 22-8-1.1) or the standards or rules adopted thereunder. Accordingly, enclosed please find safety order(s) and notification(s) of penalty describing such violation(s) with references to applicable standards, rules, or provisions of the statute and stating the amount of any penalty(ies).

Informal Conference - Please be advised that it may be possible to informally settle any potential dispute without initiating the more elaborate proceedings brought on by a petition for review. Prior to filing a petition for review, you may request an informal conference concerning any of the results of the inspection (safety orders, penalties, abatement dates, etc.) by contacting the Indiana Department of Labor/IOSHA, preferably by telephone, in a prompt manner. Please be advised that a request for an informal conference cannot extend the fifteen working day period for filing a petition for review. Informal conferences frequently resolve any possible disputes, and therefore you are urged to take advantage of this opportunity. Because of the limited time period and in order to facilitate scheduling, any requests for an informal conference should be made promptly upon your receipt of the safety order(s) and notification(s) of penalty.

Right to Contest - You are hereby also notified that you are entitled to seek administrative review of the safety order(s), penalty(ies), or both by filing a written petition for review at the above address postmarked within fifteen working days of your receipt of the safety order(s) and notification(s) of penalty. ("Working days" means Mondays through Fridays, but does not include Saturdays, Sundays, legal holidays under a state statute or days on which the Indiana Department of Labor's offices are closed during regular business hours). If you do not file such a petition for review (contest), the safety order(s)

and penalty(ies) shall be deemed final orders of the Board of Safety Review and not subject to review by any court or agency. The issuance of a safety order does not constitute a finding that a violation has occurred unless no petition for review is filed, or if a petition for review (contest) is filed, it must contain a statement of its basis and should reference the above inspection number. Upon receipt of your petition for review, we will affirm, amend or dismiss the safety order(s) and notification(s) of penalty. If we affirm, your petition for review will be granted (unless it was not timely) and the dispute will be certified by the Board of Safety Review for further proceedings. The Board of Safety Review is an independent agency appointed by the governor with authority to conduct hearings and to issue decisions concerning disputed safety order(s) and notification(s) of penalty. If we amend the safety order(s) or notification(s) of penalty, your petition for review shall be deemed moot. However, you will then be given an opportunity to file a petition for review concerning the amended safety order(s) and notification(s) of penalty.

Please be advised that an employee or representative of employees may file a petition for review to contest the reasonableness of the time stated in the safety order(s) for the abatement of any violation.

Posting - Upon receipt of any safety order(s) you are required to post such safety order(s), or a copy thereof, unedited, at or near each place an alleged violation referred to in the safety order(s) occurred. However, if your operations are such that it is not practicable to post the safety order(s) at or near each place of alleged violation, such safety order(s) shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, if you are engaged in activities which are physically dispersed, the safety order(s) may be posted at the location from which the employees operate to carry out their activities. You must take steps to ensure that the safety order is not altered, defaced, or covered by other material. Posting shall be until the violation is abated, or for three working days, whichever is longer.

Penalties - Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Abatement does not constitute payment of penalties.

Abatement - The conditions cited in the safety order(s) must be corrected (abated) on or before the date shown for each item on the safety order(s) and notification(s) of penalty unless:

(1) You file a petition for review concerning the violation, in which case the full abatement period shall commence from the issuance of a final decision by the Board of Safety Review or the courts which requires compliance with the safety order; or

(2) The abatement period is extended by the granting of a petition for modification of abatement date.

PMAs - The petition for modification of abatement date is a manner in which you may seek additional time to correct (abate) a violation without having to file a petition for review concerning the safety order, or after the expiration of the time period to file such a petition for review when it becomes apparent that you need extra time to abate the violation. A petition for modification of abatement date shall be in writing and shall include the following information:

(1) All steps you have taken, and the dates of such actions, in an effort to achieve compliance

during the prescribed abatement period.

(2) The specific additional abatement time necessary in order to achieve compliance.

(3) The reasons such additional time is necessary, including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.

(4) All available interim steps being taken to safeguard employees against the cited hazard during the abatement period.

(5) A certification that a copy of the petition has been posted, and if appropriate, served on the authorized representative of affected employees, and a certification of the date upon which such posting and service was made.

A petition for modification of abatement date shall be filed with the Indiana Department of Labor/IOSHA no later than the close of the next working day following the date on which abatement was originally required. A later-filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay. A copy of such petition shall be posted in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted until the time period for the filing of a petition for review of the Commissioner's granting or denying the petition expires. Where affected employees are represented by an authorized representative, said representative shall be served a copy of such petition.

Notification of Corrective Action - Correction of the alleged violations which have an abatement period of thirty (30) days or less should be reported in writing to us promptly upon correction. A "Letter of Abatement" form and an "Abatement Photographs" worksheet are enclosed for your assistance in providing adequate documentation of abatement. Reports of corrections should show specific corrective action on each alleged violation and the date of such action. On alleged violations with abatement periods of more than thirty (30) days, a written progress report should be submitted, detailing what has been done, what remains to be done, and the time needed to fully abate each such violation. When the alleged violation is fully abated, we should be so advised. Timely correction of an alleged violation does not affect the initial proposed penalty..

Followup Inspections - Please be advised that a followup inspection may be made for the purpose of ascertaining that you have posted the safety order(s) and corrected the alleged violations. Failure to correct an alleged violation may result in additional penalties for each day that the violation has not been corrected.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Indiana Department of Labor/IOSHA at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must

be mailed to the Indiana Department of Labor/IOSHA at the address shown above within fifteen (15) working days (excluding weekends and State holidays) or receipt by the employer of this safety order and penalty.

If you wish additional information, you may direct such requests to us at the address or telephone number stated above.

Indiana Department of Labor

NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with IOSHA to discuss the safety order(s) issued on 10/20/2015. The conference will be held at the IOSHA office located at 402 West Washington Street, Room W195, Indianapolis, IN 46204 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
CSHO ID: F2131
Optional Report No.: 00916

Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 001

Type of Violation: **Serious**

IC 22-8-1.1 Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to:

Front side of hospital - On or about, August 26, 2015, employees were exposed to falls from suspension scaffolding that was not level, among other methods, one feasible and acceptable abatement method to correct the hazard is: using a electric hoist system with a brake that would raise and lower both sides of the suspension scaffolding at the same time.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 002

Type of Violation: **Serious**

IC 22-8-1.1 Section 2: The employer did not establish and maintain conditions of work which were reasonably safe and healthful for employees, and free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to:

Suspension scaffolding - On or about, August 26, 2015, the Crosby swivel hook being used on the block hoist was not equipped with a safety latch and was being used to move/lift the suspension scaffolding where employees were walking/working. Among other methods, one feasible and acceptable abatement method to correct this hazard is to follow 29 CFR 1910.181(J)(2)(ii) which states safety latch type hooks shall be used wherever possible or to follow ANSI A10.42-2000 section 4.3 (a) and (b) which state materials being hoisted shall be rigged to prevent unintentional displacement and hooks with safety latches shall be used to prevent components from slipping out of the hook.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
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CSHO ID: F2131
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 01 Item 003a Type of Violation: **Serious**

29 CFR 1926.20(b)(1): The employer did not initiate and maintain such programs as may be necessary to comply with this part:

Jobsite - On or about, August 26, 2015, the employer had not developed, implemented, or enforced and accident prevention safety & health program which included but is not limited to the following items:

- (1) A statement of management commitment toward the identification and evaluation of occupational hazards.
- (2) Establishment of employee participation in safety meetings and inspections.
- (3) Development of documentation of the instructions of each employee in the recognition and avoidance of unsafe work.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
CSHO ID: F2131
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 003b

Type of Violation: **Serious**

29 CFR 1926.503(a)(1): The employer did not provide a training program for each employee who might be exposed to fall hazards:

Jobsite - On or about, August 26, 2015, employee(s) exposed to fall hazards were not provided with a fall training program.

Date By Which Violation Must Be Abated:	11/23/2015
Proposed Penalty:	\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
CSHO ID: F2131
Optional Report No.: 00916

Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 004

Type of Violation: **Serious**

29 CFR 1926.20(b)(2): The employer did not initiate and maintain programs which provided for frequent and regular inspections of the job site, materials and equipment to be made by a competent person(s)

Jobsite - On or about, August 26, 2015, the employers competent person, on the site, failed to identify existing and predictable hazards and/or take the necessary measures to alleviate the hazard(s) of working on suspension scaffolding not set up properly, wearing respirators without medical surveillance or program, not using personal protective equipment, using fall protection without fall protection training or safety training.

Date By Which Violation Must Be Abated:
Proposed Penalty:

11/23/2015
\$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
CSHO ID: F2131
Optional Report No.: 00916

Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 01 Item 005a Type of Violation: **Serious**

29 CFR 1926.21(b)(2): The employer did not instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to his/her environment to control or eliminate any hazards or other exposure to illness or injury:

Jobsite - On or about, August 26, 2015, employees were not instructed in the recognition and avoidance of unsafe conditions applicable to their work environment such as but not limited to those connected with working on suspension scaffolding not set up properly, wearing respirators without medical surveillance or program, not using personal protective equipment, using fall protection without fall protection training or safety training.

Date By Which Violation Must Be Abated: **11/23/2015**
Proposed Penalty: **\$1,500.00**

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 005b

Type of Violation: **Serious**

29 CFR 1926.454(a): The employer did not have each employee who performed work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold being used and to understand the procedures to control or minimize those hazards.

Jobsite - On or about, August 26, 2015, employee(s) engaged in performing work, while on a scaffold, had not been trained by a qualified person.

Date By Which Violation Must Be Abated:
Proposed Penalty:

11/23/2015
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
CSHO ID: F2131
Optional Report No.: 00916

Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 005c

Type of Violation: **Serious**

29 CFR 1926.454(b): The employer did not have each employee involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person to recognize any hazards associated with the work in question.

Jobsite - On or about, August 26, 2015, the employer did not have each employee who is involved in erecting, disassembling, moving, operating, repairing, maintaining, or inspecting a scaffold trained by a competent person.

Date By Which Violation Must Be Abated:
Proposed Penalty:

11/23/2015
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 005d

Type of Violation: **Serious**

29 CFR 1926.503(a)(2): The employer did not assure that each employee exposed to falls, had been trained as necessary, by a competent person, qualified in items listed in 503(a)(2)(i) thru 503(a)(2)(viii):

Jobsite - On or about, August 26, 2015, (2) employees engaged in activities from suspension scaffold, exposed to falls, were not provided with fall protection training by a competent person.

Date By Which Violation Must Be Abated: 11/23/2015
Proposed Penalty: \$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
Inspection Date(s): 8/26/2015 - 9/23/2015
Issuance Date: 10/20/2015
CSHO ID: F2131
Optional Report No.: 00916

Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 006

Type of Violation: **Serious**

29 CFR 1926.95(a): Personal protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, was not provided, used, or maintained:

Jobsite - On or about, August 26, 2015, work boots was not worn by employee(s) cutting out and replacing window caulk and bricks and mortar from the suspension scaffolding.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$450.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 007

Type of Violation: **Serious**

29 CFR 1926.100(a): Employees working in areas where there was a possible danger of head injury from impact, or falling or flying objects, or from electrical shock and burns, were not protected by protective helmets:

Front entrance area - On or about, August 26, 2015, one employee working on the ground and using the area under the suspension scaffolding that employees are working from, to enter and exit his work area were not provided and/or wearing protective helmets.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$600.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
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Issuance Date: 10/20/2015
CSHO ID: F2131
Optional Report No.: 00916

Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

The alleged violations below have been grouped because they involve similar or related hazards that may increase the potential for injury or illness.

Safety Order 01 Item 008a Type of Violation: **Serious**

29 CFR 1926.451(d)(1): Suspension scaffold support devices did not rest on surfaces which were capable of supporting at least 4 times the load imposed or 1.5 times the load imposed at the stall capacity of the hoist.

Roof - On or about, August 26, 2015, suspension scaffold supported by hooks on parapet wall with tie back attached to the opposite parapet wall was not designed by an engineer or qualified person capable of deciding if the parapet walls could support 4 times the load imposed or 1.5 times the load imposed at the stall capacity of the hoist.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$1,500.00

Indiana Department of Labor
Occupational Safety and Health Administration

Inspection Number: 317870129
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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 008b Type of Violation: **Serious**

29 CFR 1926.451(d)(16): The suspension scaffold power-operated hoist or manually operated hoist did not have, in addition to the normal operating brake, a braking device or locking pawl which engages automatically when a hoist makes either of the following uncontrolled movements: an instantaneous change in momentum or an accelerated over speed.

Suspension scaffolding front of building - On or about, August 26, 2015, there is no brake or locking pawl on the block and tackle hoist being used to support the suspension scaffolding.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 008c

Type of Violation: **Serious**

29 CFR 1926.451(d)(17): On suspension scaffolds, manually operated hoists did not require a positive crank force to descend:

Suspension scaffold - On or about, August 26, 2015, the block and tackle, being used to hoist and lower the 2 point suspension scaffold, which could free-wheel while descending, did not have a positive crank force.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection
\$0.00

Indiana Department of Labor
Occupational Safety and Health Administration

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Safety Order and Notification of Penalty

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410

Safety Order 01 Item 008d

Type of Violation: **Serious**

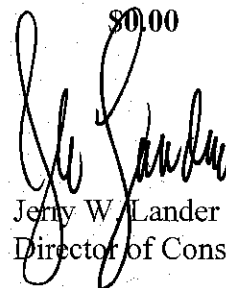
29 CFR 1926.451(g)(3)(i): Vertical lifelines were not fastened to a fixed safe point of anchorage, independent of the scaffold, and protected from sharp edges and abrasion.

Roof - On or about, August 26, 2015, employees working on suspension scaffolding using harness and lifelines and the lifelines were not independent as they were incorporated into the cables used for the suspension scaffolding tie backs.

Date By Which Violation Must Be Abated:
Proposed Penalty:

Corrected During Inspection

\$0.00



Jerry W. Lander
Director of Construction Safety

Indiana Department of Labor

Indiana Occupational Safety and Health Administration
402 West Washington St - Room W195
Indianapolis, IN 46204
Phone: (317)232-1979 FAX: (317)233-3790



INVOICE/DEBT COLLECTION NOTICE

Company Name: J M Masonry Restoration Inc
Inspection Site: 8701 Broadway, Merrillville, IN 46410
Issuance Date: 10/20/2015

Summary of Penalties for Inspection Number: 317870129

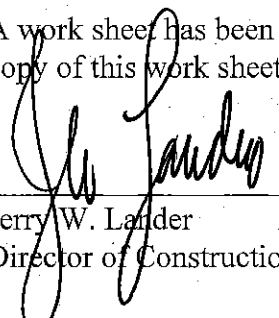
Safety Order 1, Serious = \$10,050.00
TOTAL PENALTIES = \$10,050.00

Penalties are due within fifteen (15) working days of receipt of this notification unless contested. Make your check or money order payable to: "Indiana DOL/IOSHA". Please indicate IOSHA's Inspection Number (indicated above) on the remittance.

IOSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Corrective action, taken by you for each alleged violation should be submitted to this office on or about the abatement dates indicated on the Safety Order and Notification of Penalty.

A work sheet has been provided to assist in providing the required abatement information. A completed copy of this work sheet should be posted at the worksite with the safety order(s).



Jerry W. Lander
Director of Construction Safety

20 20 15

Date